

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:24.11.2006

CORM:

THE HON'BLE MR. JUSTICE P. SATHASIVAM
and
THE HON'BLE MR. JUSTICE S. TAMILVANAN

Writ Petition No.16187 of 2004
and WPMP.No.19125 of 2004

D.A. Srinivasan

.. Petitioner

Vs.

The Chennai Metropolitan
Development Authority
rep. By its Member Secretary
No.1, Gandhi Irwin Road
Egmore, Chennai 8.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus as stated therein.

For petitioner :Mr. AR.L. Sundaresan, Sr.Counsel
for Mrs. AL. Ganthimathi

For respondents :Mr. J. Ravindran

ORDER

(Order of the Court was made by P. SATHASIVAM,J.)

Aggrieved by the letter of the respondent dated 11.05.2004 in respect of construction in Plot No.98, Sri Venkateswara Nagar in S.No.233/1A IAIAIAIA4 of Kottivakkam Village of Chennai Metropolitan Development Authority (CMDA), the petitioner has filed the above writ petition to quash the same and consequently direct the respondent to regularise the said construction.

2. Heard the learned senior counsel for the petitioner as well as the respondent.

3. It is brought to our notice that the building in question was constructed in a residential area. Since the same was constructed in the year 2000, and according to the respondent it is not in accordance with the Rules and in view of the First Bench

decision of this Court in the case of Consumer Action Group vs. The State of Tamil Nadu (2006 (4) CTC 481), the action of the petitioner cannot be regularised. However, in the same order the First Bench has directed the Government to constitute a Monitoring Committee to go into certain aspects.

4. On going through the factual details as stated in the affidavit, we are of the view that the petitioner may be permitted to agitate before the Monitoring Committee to vindicate his grievance. The writ petition is disposed with a liberty to the petitioner to approach the Monitoring Committee to be constituted by the Government in terms of the First Bench order of this Court. No costs. Consequently, connected WPMP., is closed.

5. In view of the fact that the petitioner had the benefit of stay all along from 16.06.2004, it is made clear the same order shall continue till final decision being taken by the Monitoring Committee. It is further made clear that immediately after constitution of the Monitoring Committee, the petitioner is permitted to make his representation within a period of four weeks from the said date. Failing compliance, the petitioner will not be entitled to the order of stay as observed above.

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Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

The Member Secretary
Chennai Metropolitan
Development Authority
No.1, Gandhi Irwin Road
Egmore, Chennai 8.

1 cc to M/s.AL.Ganthimathi, Advocate, SR.57675

ggk (co)

dv/13.12.06

WP.No.16187/2004